

IN THE SUPREME COURT OF THE STATE OF DELAWARE

PETER KOSTYSHYN and  
PATRICIA KOSTYSHYN,

Plaintiffs Below,  
Appellants,

v.

NEW CASTLE and TOWN OF  
BELLEFONTE,

Defendants Below,  
Appellees.

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§ No. 371, 2009

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§ Court Below—Court of Chancery

§ of the State of Delaware,

§ in and for New Castle County

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Submitted: July 30, 2009

Decided: August 7, 2009

**ORDER**

This 7<sup>th</sup> day of August 2009, it appears to the Court that, on June 26, 2009, appellants filed a notice of appeal from a Court of Chancery order denying their motion to file, *in forma pauperis*, a complaint that was never assigned a civil action number by the trial court. This Court issued a notice to appellants to show cause why their appeal should not be dismissed for the failure to comply with Supreme Court Rule 42 when appealing an interlocutory order. The appellants have failed to respond to the notice to show cause within the required ten-day period; therefore, dismissal of this action is deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele  
Chief Justice